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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re R.S., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

R.S.,

Defendant and Appellant.

A135979

(Mendocino County Super. Ct.  
No. SCUJ-JDSQ-11-16266)

R.S. (appellant), born in March 1998, appeals from the juvenile court’s jurisdictional and dispositional orders finding he violated his probation and continuing him on probation with various conditions.<sup>1</sup> Appellant’s counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 and requests that we conduct an independent review of the record. Appellant was informed of his right to file a supplemental brief and did not do so. Having independently reviewed the record, we conclude there are no issues that require further briefing, and shall affirm the orders.

<sup>1</sup> In his Notice of Appeal, appellant states he is also appealing from other related orders including a stipulation and order entered at a June 22, 2012 “Juv FinancI Rvw Hrg [juvenile financial review hearing].”

## **FACTUAL AND PROCEDURAL BACKGROUND**

### ***Petitions***

On June 21, 2011, an original petition was filed alleging appellant committed battery on his father (Pen. Code § 242). At an August 30, 2011 dispositional hearing, the court dismissed the battery count and added a misdemeanor vandalism allegation (Pen. Code, § 594, subd. (b)(2)(A)) as count 2. Appellant admitted the misdemeanor vandalism allegation and the court declared him to be a ward of the court, released him into the custody of his parents, and placed him on probation with various conditions, including drug and search terms and a curfew.

On September 1, 2011, a second petition was filed charging appellant with failing to obey all laws (count 1) and buying or receiving stolen property (Pen. Code, § 496, subd. (a), count 2), a misdemeanor. Appellant admitted he failed to obey all laws (count 1) and count 2 was dismissed. The court continued appellant as a ward of the court in his parents' custody with all existing probation terms and ordered him to pay \$186.38 in victim restitution. A third petition, filed September 28, 2011, alleged that appellant had failed to meet with his probation officer (count 1) and failed to attend school (count 2). Appellant admitted both counts and the court continued his probation with all previous terms in effect.

The fourth, fifth, sixth and seventh petitions alleged appellant violated his probation by testing positive for marijuana. On November 8, 2011, appellant admitted the violation alleged in the fourth petition and the court continued him on probation with additional orders, including a requirement that he attend two Alcoholics Anonymous/Narcotics Anonymous (AA/NA) meetings per week for four weeks. On February 28, 2012, appellant admitted the violation alleged in the fifth petition and the court continued him on probation with an additional requirement that he serve 10 days in juvenile hall. When appellant admitted he smoked marijuana, he said he did so because his uncle died and he was "feeling bad." However, appellant's mother told the probation officer that appellant's uncle had not died. On March 23, 2012, appellant admitted the violation alleged in the sixth petition and the court continued him on probation, ordered one AA/NA meeting per week for two months, and 20 hours of community service. On April 12, 2012, appellant admitted the violation alleged in

the seventh petition and the court continued him on probation and ordered him to serve 10 days in juvenile hall and complete “the Marijuana Workbook.”

An eighth petition was filed on May 9, 2012, alleging appellant left his home on May 4 without notifying his parents of his whereabouts (count 1), failed to attend school (count 2), and consumed alcohol (count 3). Appellant admitted all three counts on May 10, 2012, and the court continued his probation and ordered him to serve 25 days in juvenile hall and stay away from two particular individuals.

The ninth petition was filed on June 7, 2012, alleging appellant left his home without notifying his parents of his whereabouts and did not return (count 1), failed to attend school for two days (count 2), and violated his curfew (count 3). Appellant admitted all three violations on June 8, 2012. On June 12, 2012, the court continued appellant on probation and ordered him to serve eight days in juvenile hall.

#### ***Parental Responsibility for the Payment of Costs***

On August 30, 2011, when the juvenile court first declared appellant a ward of the court, the court ordered appellant’s parents to reimburse the county for the reasonable costs related to his stay at juvenile hall, a monthly probation supervision fee of \$25 per month, a monthly drug and alcohol testing fee of \$25 per month, and a restitution fine of \$100. On February 14, 2012, appellant filed a motion for waiver of these fees and costs on the grounds his parents did not have the ability to pay and that the fees and costs were improperly assessed on the first petition because the parents were the victims of the incident that led to the filing of the first petition.<sup>2</sup> At the hearing on the motion, the court stated, “let me just say first of all normally these are handled between the parents and collections.” The court noted appellant had raised “a good legal issue” as to whether the parents, as victims, had to pay the various fees and costs. The court found that appellant’s attorney did not represent appellant’s parents and that there was a conflict of interest in representing them because the Public Defender’s Office had a policy of recouping attorney’s fees. The court continued the matter for further hearing.

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<sup>2</sup> As noted, the first petition was based on an incident in which appellant committed battery against his father.

At the continued hearing, the court appointed an attorney to represent appellant's mother regarding payment of costs and continued the matter for another hearing. The court found at a subsequent hearing that the parents were not victims of any of the incidents that led to the filing of any petitions after the first petition was filed and were therefore liable for fees and costs assessed on all subsequent petitions, including the petitions alleging probation violations. On June 22, 2012, the parents and the county reached a settlement regarding the payment of fees. Appellant's attorney argued he was entitled to challenge his parents' liability for some of the costs. Counsel for the county stated, "The County's objecting to . . . the minor having any standing to make any objections on the issue of payment and fines . . . and that was what the Court ruled two months ago is that [appellant] didn't have . . . standing to make these objections." The court noted that appellant's parents and the county had reached an agreement, agreed that appellant had no standing, and accepted the stipulation for the payment of fees and costs.

#### **DISCUSSION**

We have reviewed the entire record and conclude there are no arguable issues that warrant further briefing. The juvenile court properly found that appellant had violated his probation. The court did not err in accepting the parties' stipulation regarding payment of fees and costs. Appellant was adequately represented by counsel at every stage of the proceedings. There was no sentencing error. There are no issues that require further briefing.

#### **DISPOSITION**

The judgment is affirmed.

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McGuiness, P.J.

We concur:

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Pollak, J.

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Siggins, J.